



City of Marietta Meeting Agenda

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

CITY COUNCIL

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, January 14, 2009

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20090063 Swearing in of new police officers

Swearing in of new police officers for the Marietta Police Department:

Michael Braxton
Brian Vaughn
Ralph Woolfolk
Darius Felder
Ryan Hoffman
William Garnigan

20090024 2007-08 Weed and Seed Report

Presentation by Weed and Seed Coordinator, Daneea Badio for the Franklin Road Weed and Seed Program 2007-08.

PROCLAMATIONS:

20090068 City of Marietta's 175th Anniversary Celebration

Proclamation to the citizens of Marietta in honor of the City's 175th Anniversary.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

* **20090002 Regular Meeting - December 10, 2008**

Review and approval of the December 10, 2008 regular meeting minutes.

MAYOR'S APPOINTMENTS:

- * **20090037 Mayor Pro tem**
Appointment of James W. King as the Mayor Pro tem for a term of one year expiring on January 8, 2010.
Council member Goldstein voting against
- * **20090038 Presiding Officer**
Appointment of Irvan Alan (Van) Pearlberg as the Presiding Officer for a term of one year expiring on January 8, 2010.
- * **20090039 BLW Council Representative**
Reappointment of James W. King as the council representative on the Board of Lights and Water (BLW) for a term of one year expiring on January 8, 2010.
Council memeber Goldstein voting against
- * **20090040 Economic/Community Development Committee**
Appointment of Griffin Lee Chalfant, Jr., as the chairperson, Holly M. Walquist and Philip M. Goldstein, to the Economic/Community Development Committee for a term of one year expiring on January 8, 2010.
- * **20090041 Finance/Investments Committee**
Appointment of Annette Paige Lewis, as the chairperson, James W. King and Anthony C. Coleman to the Finance/Investments Committee for a term of one year expiring on January 8, 2010.
- * **20090042 Judicial/Legislative Committee**
Appointment of Philip M. Goldstein, as the chairperson, Irvan Alan Pearlberg and James W. King to the Judicial/Legislative Committee for a term of one year expiring on January 8, 2010.
- * **20090043 Parks, Recreation & Tourism Committee**
Appointment of Holly M. Walquist, as the chairperson, Anthony C. Coleman and Annette Paige Lewis to the Parks, Recreation and Tourism Committee for a term of one year expiring on January 8, 2010.
- * **20090044 Personnel/Insurance Committee**
Appointment of Irvan Alan Pearlberg, as the chairperson, Griffin Lee Chalfant, Jr., and Annette Paige Lewis to the Personnel/Insurance Committee for a term of one year expiring on January 8, 2010.
- * **20090045 Public Safety Committee**
Appointment of Anthony C. Coleman, as the chairperson, Irvan Alan Pearlberg and Holly M. Walquist to the Public Safety Committee for a term of one year expiring on January 8, 2010.
- * **20090046 Public Works Committee**
Appointment of James W. King, as the chairperson, Griffin Lee Chalfant, Jr.,

and Philip M. Goldstein to the Public Works Committee for a term of one year expiring on January 9, 2009.

* **20090047 Marietta Housing Authority Council Liaison**

Appointment of Anthony C. Coleman as the council liaison to the Marietta Housing Authority for a term of one year expiring on January 8, 2010.

* **20090048 Marietta Board of Education Council Liaison**

Appointment of Annette Paige Lewis as the council liaison to the Marietta Board of Education for a one-year term expiring on January 8, 2010.

* **20090005 Cobb Housing, Inc.**

Appointment of Holly Marie Walquist to to the Cobb Housing, Inc. (CHI) Board of Directors for a one year term expiring on January 13, 2010.

CITY COUNCIL APPOINTMENTS:

* **20081416 Americans with Disabilities Advisory (ADA) Board**

Appointment of Jason Bourne to the Americans with Disabilities Advisory (ADA) Board (Post 6) for a term of 3-years beginning January 1, 2009 and expiring December 31, 2011.

20090049 Planning Commission Appointment

Appointment to the Marietta Planning Commission (Ward 7) for a term of three years expiring on January 14, 2012.

ORDINANCES:

20081302 Z2008-15 RG Investments, LLC, 611 Tower Road

Z2008-15 [REZONING] RG INVESTMENTS, LLC request rezoning for property located in Land Lot 10760, 16th District, Parcel 1230, 2nd Section, Marietta, Cobb County, Georgia and being known as 611 Tower Road from R-3 (Single Family Residential 3 units/acre) to OI (Office Institutional). Ward 4.

Planning Commission Recommends approval with stipulations *Vote: 4 - 0 - 0*

Motion: Mr. Kinney moved to recommend to Council approval of this plan as submitted, to include December 1, 2008 Letter of Stipulations, seconded by Mrs. Sonnenfeld.

Public Hearing (all parties are sworn in)

20081317 Z2008-16 Back to the Bible 601, 413, 421 and 417 Tower Road

Z2008-16 [SLUP] BACK TO THE BIBLE request Special Land Use Permit (for place of worship with accessory school) for property located in Land Lot 1076, 16th District, Parcels 0720, 0700, 1170 and 0710, 2nd Section, Marietta, Cobb County, Georgia and being known as 601, 413, 421 and 417 Tower Road and being zoned R-3. Ward 4.

Planning Commission recommended denial *Vote: 5 -1 - 0*

Motion: Mr. Gillis made a motion to deny the request until such time as they

come back with a more concrete proposal, seconded by Mr. Parker.

Public Hearing (all parties are sworn in)

20081360 Code Enforcement - 180 Powers Ferry Road

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 180 Powers Ferry Road.

Listed Owner: Bradford Frank

1st Certified mail receipt received 10/27/08.

2nd Certified mail receipt; Mr. Bradford, owner, refused to sign 11/24/08.

3rd Certified mail receipt received 01/05/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

*** 20090007 Code Enforcement - 430 Wellons Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 420 Wellons Street.

Listed Owner: Milton A. Hutchins & Henry Hutchins & Thomas L. Stone, Sr.

Certified mail receipt received 12/18/08; signature not legible.

Taxes: Unpaid, in the amount of \$67.36

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstainig

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

*** 20081289 Section 8 Administrative Plan**

Resolution approving the Housing Choice Voucher (HCV) Administrative Plan revisions.

*** 20081498 MRC Development Agreement**

Motion approving revisions to the Development and Management Agreement between the City of Marietta and the Marietta Redevelopment Corporation.

Council member Goldstein and Lewis opposed.

*** 20081377 FY2009 Fund Work Plan**

Motion to approve the Marietta Redevelopment Corporation FY2009 Work Plan for the Marietta Fund for Neighborhood and Community Revitalization.

Council member Goldstein and Lewis opposed.

2. Finance/Investment: Annette Lewis, Chairperson

* **20081504 Marietta Fire Donation**

Ordinance to receive and appropriate a \$2000 donation from Wal-Mart for fire prevention programs

* **20081538 Contribution from Marietta X-Ray**

Ordinance to receive and appropriate a \$17,087 contribution from Marietta X-Ray for the Tree Replacement Fund

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20081382 November 3, 2009 General Election**

Ordinance to provide for the establishment of qualifying fees for the office of Mayor and the office of Council for the city of Marietta, Georgia and to provide for the opening and closing dates for filing notice of candidacy by candidates.

* **20081545 Quitclaim Deed**

Motion to approve a Quitclaim Deed from City of Marietta to First Landmark Bank for property located at 321 Cole Street, a rectangle piece of land approximately 3200 square foot in size, which was inadvertently omitted from the legal description at the closing to First Landmark Bank. The documents are subject to the final approval of the city manager and the city attorney.

Councilmember Goldstein disclosed that the First Landmark Bank leases parking spaces at 48 Atlanta Street and is a subtenant in an adjacent building.

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

* **20081532 2009 Street Closure Requests**

Motion to approve street closures for 2009 special events; and, city sanctioning of the 97.1 Wing and Rock event in accordance with City Code 10-4-070.

5. Personnel/Insurance: Van Pearlberg, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20081544 Request for crosswalk**

Motion to approve request by Zion Baptist Church for a standard size crosswalk to be added on Lemon Street to the east side of Waddell Street.

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

* **20090070 Pension Board Contracts**

Approval of Pension Board Contracts, subject to the final approval of the City Manager and City Attorney.

* **20090006 Cobb Municipal Association 2009 Delegates**

Motion to appoint Council member Philip M. Goldstein and Council member

Grif Chalfant as 2009 voting delegates for the Cobb Municipal Association (CMA) business meetings.

* **20090076 1017 Roswell Street and 9 South Cobb Drive**

Motion to authorize the acquisition of property owned by Raymond O. Boyd on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20090030 BLW Actions of January 12, 2009**

Review and approval of the January 12, 2009 actions and minutes of the Marietta Board of Lights and Water Works. (BLW)

Council member Goldstein opposed to agenda items 20090016 and 20090035 of the BLW Actions of January 12, 2009.

ADJOURNMENT: